

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**FINAL JUDGMENT IN A CIVIL CASE**

**ENGINEERS JOINT WELFARE FUND, by Daniel P. Harrigan, as Administrator;  
ENGINEERS JOINT PENSION FUND, by Daniel P. Harrigan, as Administrator;  
ENGINEERS JOINT SUPPLEMENTAL UNEMPLOYMENT FUND, by Daniel P.  
Harrigan, as Administrator; ENGINEERS JOINT TRAINING FUND, by Daniel P.  
Harrigan, as Administrator; OPERATING ENGINEERS LOCAL 17 TRAINING FUND,  
by James Smolinski as Administrator; CENTRAL PENSION FUND OF THE  
INTERNATIONAL UNION OF OPERATING ENGINEERS AND PARTICIPATING  
EMPLOYERS, by Michael R. Fanning, as Chief Executive Officer;  
INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 17, BY  
Alan Pero, as International Representative; INTERNATIONAL UNION OF  
OPERATING ENGINEERS; LOCAL UNION NO. 545, BY Theron Hogle, as Business  
Manager; and INTERNATIONAL UNION OPERATING ENGINEERS, LOCAL UNION  
NO. 832, by Thomas E. Charles, as Business Manager**

vs.

**CASE NUMBER: 5:09-CV-417 (GTS/DEP)**

**WESTERN NEW YORK CONTRACTORS, INC.; and ROBERT A. VALERINO,  
Individually and as an Officer of Western New York Contractors, Inc.**

**Decision by Court.** This action came to a hearing before the Court.  
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Motion for Reconsideration of the Order on Motion for Default Judgment is DENIED, further ordered that Plaintiffs Motion for Attorney's Fees is GRANTED IN PART AND DENIED IN PART. Plaintiff's Motion for Default Judgment as to Robert A. Valerino is GRANTED with respect to damages on the First, Second, Fourth and Fifth causes of action in the amount of \$122,900.69. Defendant Valerino shall pay Plaintiffs \$18,578.40 in attorney fees and \$3,556.48 in costs. Judgment is entered in favor of Plaintiffs against Defendant Robert A. Valerino for a total amount of \$145,035.57.

All of the above pursuant to the order of the Honorable Judge Glenn T. Suddaby, dated the 19<sup>th</sup> day of January, 2011.

DATED: January 19, 2011

  
Clerk of Court

s/

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By: Joanne Bleskoski, Deputy Clerk